

FILED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND 2012 JUN -4 P 1:19

MICHAEL DENNETT

Plaintiff,

v.

MICHAEL ARCHULETA;
JAMAL ALSAFFAR;
LAURIE HIGGINBOTHAM;
ARCHULETA & ASSOCIATES, P.C., d/b/a
ARCHULETA, ALSAFFAR &
HIGGINBOTHAM;
JOHN DOE(S);
ABC PARTNERSHIP(S); and
DEF CORPORATION(S)

Defendants.

U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

CIVIL ACTION NO.

CA 12- 424 S

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §1446 and Local Rule Cv 81, Defendants Michael Archuleta, Jamal Alsaffar, Laurie Higginbotham, and Archuleta & Associates, P.C., d/b/a Archuleta, Alsaffar & Higginbotham (collectively, the "Defendants") hereby file and submit this Notice of Removal. In support of this Notice, the Defendants state as follows:

1. Plaintiff, Michael Dennett, is a resident of Middletown, Rhode Island.
2. Defendant, Michael Archuleta, is an attorney residing and practicing in Texas.
3. Defendant, Jamal Alsaffar, is an attorney residing and practicing in Texas.
4. Defendant, Laurie Higginbotham, is an attorney residing and practicing in Texas.
5. Defendant, Archuleta & Associates, P.C., d/b/a Archuleta, Alsaffar & Higginbotham, is a Texas professional corporation with a sole place of business in Austin, Texas.
6. Defendants John Doe(s), ABC Partnership(s), and DEF Corporations(s) are unidentified individuals or entities that have been named by the Plaintiff pursuant to R.I. Gen. Laws § 9-5-20.

7. The Defendants received notice of this action on May 14, 2012, when the Defendants were formally served with a copy of the Plaintiff's Complaint.

8. Removal is timely under 28 U.S.C. §1446(b), as fewer than 30 days have passed since the Defendants were served with process.

9. Pursuant to 28 U.S.C. §1446(a), the Defendants attach a copy of the Complaint as Exhibit A.

10. Removal is based on diversity of citizenship between all parties and an amount in controversy that exceeds \$75,000.

11. The Plaintiff's Complaint seeks to recover from the Defendants for legal malpractice, failure to obtain the Plaintiff's informed consent in consummating a \$300,000 settlement of the Plaintiff's claims, and the unauthorized practice of law in Rhode Island (Complaint, Ex. A, ¶¶ 27-38).

12. Based on the Plaintiff's allegation that the \$300,000 settlement that the Defendants secured for the Plaintiff constitutes a settlement of the "Plaintiff's claims for far less than they were worth," as well as the fact that the Plaintiff seeks disgorgement of the Defendants' attorney's fees in the amount of \$60,000, the Defendants assert that the amount in controversy exceeds \$75,000 (Complaint, Ex. A, ¶¶ 24-25, 30-31, 38).

13. Accordingly, this Court has jurisdiction over this civil action based upon diversity of citizenship and an amount in controversy pursuant to 28 U.S.C. §§1332, 1441 and 1446.

14. In submitting this Notice of Removal, the Defendants reserve all defenses to this action.

WHEREFORE, Michael Archuleta, Jamal Alsaffar, Laurie Higginbotham, and Archuleta & Associates, P.C., d/b/a Archuleta, Alsaffar & Higginbotham hereby request that the above

action now pending the Rhode Island Superior Court be removed to the United States District Court for the District of Rhode Island.

Respectfully submitted,

MICHAEL ARCHULETA; JAMAL
ALSAFFAR; LAURIE HIGGINBOTHAM;
ARCHULETA & ASSOCIATES, P.C., d/b/a
ARCHULETA, ALSAFFAR &
HIGGINBOTHAM;

By Their Attorneys,



David A. Grossbaum, #6742
Matthew R. Watson, #8400
HINSHAW & CULBERTSON LLP
321 South Main Street
Suite 301
Providence, RI 02903
Providence, RI 02903
401-751-0842
401-751-0072 (facsimile)

Dated: June 1, 2012

CERTIFICATE OF SERVICE

I, Matthew R. Watson, hereby certify that on June 1, 2012, I served a true and accurate copy of the foregoing document to counsel of record by first class mail as follows:

Max Wistow, Esq.
Wistow & Barylick, Inc.
61 Weybosset Street
Providence, RI 02903



Matthew R. Watson